

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DARON TATE CARREIRO, Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Telephone: 202-305-1117; Fax: 202-305-0275
Email: aron.carreiro@usdoj.gov

Attorneys for the United States

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

METLAKATLA INDIAN COMMUNITY,
a federally recognized Indian Tribe,

Plaintiff,

v.

MICHAEL J. DUNLEAVY, Governor of
the State of Alaska, et al.,

Defendants.

Case No. 5:20-cv-00008-SLG

**UNOPPOSED MOTION OF THE UNITED STATES
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT
AND FOR AN EXPANSION OF ORAL ARGUMENT TIME**

The United States respectfully moves for leave to participate in oral argument on Defendants' Motion for Summary Judgment (Dkt. 42) and Plaintiff's Cross-Motion for Summary Judgment (Dkt. 47), scheduled for February 15, 2024, and for an expansion of

Metlakatla Indian Community v. Dunleavy, et al.
Case No. 5:20-cv-00008-SLG

oral argument time, at the Court’s discretion, allocating 30 minutes to Defendants, 20 minutes to the Plaintiff, and 10 minutes to the United States.

On December 7, 2023, this Court granted the United States’ request to participate as *amicus curiae* on the parties’ Motions. Dkt. 55. On January 12, 2024, the United States filed an amicus curiae brief. Dkt. 59. On January 26, 2024, the parties filed responses. Dkt. 61 and 62. The Court set oral argument for February 15, 2024, at 11:00 a.m., providing that “[e]ach side shall be accorded up to 20 minutes to present its arguments.” Dkt. 60.

The United States has informed counsel for the Parties that it intends to file this motion for leave to participate in oral argument as *amicus curiae* and request up to 10 minutes of argument time. The Plaintiff supports this motion, including an expansion of oral argument time, allocating 30 minutes to Defendants, 20 minutes to the Plaintiff, and 10 minutes to the United States. Defendants take no position on the Court granting leave for the United States to participate in oral argument, and do not oppose the proposed allocation of time (30 minutes to Defendants, 20 minutes to the Plaintiff, and 10 minutes to the United States). If the Court grants the United States leave to participate in oral argument, but does not expand the overall argument time, the United States and Plaintiff would be agreeable to sharing a portion of Plaintiff’s argument time set by the Court.

DATED: February 6, 2024

Respectfully submitted,

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

OF COUNSEL:
SAMUEL E. ENNIS
Assistant Solicitor
CONNIE K. BRIGGS
Attorney-Advisor
Office of the Solicitor
Division of Indian Affairs
U.S. Department of the Interior

/s/ Daron Tate Carreiro
DARON TATE CARREIRO, Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Indian Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Telephone: 202-305-1117; Fax: 202-305-0275
Email: daron.carreiro@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2024, the foregoing document was electronically transmitted to the Clerk of the Court using the CM/ECF filing system, which will transmit a Notice of Electronic Filing to counsel of record.

/s/ Daron Tate Carreiro
Daron Tate Carreiro, Trial Attorney